

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Frances Avenue Rezone - Evergreen Acres

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Tony Walter **CONTACT:** Benjamin Dunn EXT. 7440

Agenda Date 7/12/06 Regular ☐ Work Session ☐ Briefing ☐
Special Hearing – 6:00 ☐ Public Hearing – 7:00 ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND DENIAL** of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings, (Andrew Stanley, applicant); or
2. **RECOMMEND APPROVAL** of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings, (Andrew Stanley, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #5 – Comm. Carey

Benjamin Dunn, Sr. Planner

BACKGROUND:

The applicant is requesting to rezone 10 ± acres, located southeast of Ronald Reagan Blvd on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district.

The Seminole County Land Development Code (LDC) provides the application of the Weighted Method for Determining Single-Family Residential Compatibility in the Low Density Residential future land use designation. Staff

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____

File No. Z2006-33

conducted the lot size compatibility analysis, per Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and based on the results from the Lot Size Compatibility Analysis determined that the analysis does not support the requested rezone to R-1A.

To the east, west, northwest, and south of the site is the A-1 (1 acre minimum lot size) zoning district. To the north and northeast is a subdivision with the R-1 (8,400 sq. ft lots) zoning district. Additionally, there are subdivisions further to the northwest and northeast that are not adjacent to the site, but are within close proximity that consist of the R-1AA zoning district (11,700 sq. ft lot size).

STAFF RECOMMENDATION:

Staff recommends **DENIAL** of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

However, based on the Lot Size Compatibility Analysis and providing for a transition with the land to the south, the R-1AA (11,700 sq. ft. lot size) zoning may be more appropriate.

Attachments:

Staff Report
Location Map
Zoning & Future Land Use Map
Aerial Map
Rezone Ordinance
School District School Capacity Report

Frances Ave Rezone

Rezone from A-1 to R-1A

APPLICANT	Andrew Stanley	
PROPERTY OWNER	Juan Lopez	
REQUEST	Rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling)	
PROPERTY SIZE	10 ± acres	
HEARING DATE (S)	P&Z: July 12, 2006	BCC: August 22, 2006
PARCEL ID	23-20-30-300-001F-0000	
LOCATION	South side of Central Drive, east of Sunset Road	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-33	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to develop a single-family subdivision.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 10 ± acres, located southeast of Ronald Reagan Blvd on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which is consistent with the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of R-1A (Single-Family).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1A)
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	1,100 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	7.5 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES:

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	R-1A (proposed)
Permitted Uses	Single-family detached, agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single-Family dwelling units, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.
Minimum Lot Size	1-Acre	9,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)			
(West)	LDR Agricultural A-1 (25 ± acre lots)	LDR Single-Family R-1 (8,400 sq. ft. minimum lots)	LDR Single-Family R-1 (8,400 sq. ft. minimum lots)
	LDR Single-Family/ Agricultural A-1 (25 ± acre lot)	LDR Single-Family A-1	LDR Single-Family A-1 (4 ± acre lot)
	LDR Agricultural A-1 (6 ± acre lot)	LDR Agricultural A-1 (15 ± acre lot)	LDR Agricultural A-1 (15 ± acre lot)
(South)			(East)

Example:

Future Land Use
Existing Use
Existing Zoning
(Lot Sizes)

* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

The Land Development Code provides the application of the Weighted Method for determining single-family residential compatibility within the LDR Future Land Use designation. Staff conducted the lot size compatibility analysis, per Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does not support the requested rezone to R-1A.

The calculations assign differing weights to the surrounding zoning districts according to permitted development intensities within those districts. For example, the R-1A district requires a minimum lot size of 9,000 square feet, so its weight factor is 8, while A-1 requires one-acre lots and has a weight factor of 4. A-1 zoned properties in proximity to a proposed rezoning receive a base weight of 4, but additional points can be assigned if water, sewer, and paved roads are available, up to a maximum weight of 7.

Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the “compatible” zoning for the subject property. After running the lot size compatibility analysis for the proposed 10 ± acre rezone request to R-1A, the results from the analysis indicated a weight of 6.73, which is not consistent with the R-1A zoning district.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM (Federal Insurance Rate Map) map number 12117C0135E, no portion of the site appears to be within a floodplain. However, the SW corner is floodzone AE per preliminary DFIRMs (Draft Federal Insurance Rate Maps). This should be accounted for during the drainage analysis at final engineering. If the DFIRMs are effective by the date of construction, an application to FEMA for a LOMC (Letter of Map Change) may be required for any impacts to the updated floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be 3 ± acres of wetlands on site. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A Threatened and Endangered (T&E) Study along with a species of special concern survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency Review prior to subdivision approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development (R-1A)*	Net Impact
Water (GPD)	3,500	11,200	7,700
Sewer (GPD)	3,000	9,600	6,600
Traffic (ADT)	96	306	210

* The Proposed Development is calculated on 20% of the property being dedicated for roads and retention and 4 units per acre based on the maximum allowed within the LDR Future Land Use, for a total of 32 lots.

Utilities:

The site is located in the Seminole County Central Service Area and will be required to connect to public utilities. There is a 16-inch water main approximately 800 feet north at Ronald Reagan Blvd and a 12-inch force main approximately 1000 feet north at Ronald Reagan Blvd. This project is located within the ten year master plan for reclaimed water, therefore, an irrigation system must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property access is from Frances Avenue, which is classified as a local roadway. Frances Ave is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The applicant may be required to bring Frances Avenue up to County standards at the time of development.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 16 school age children. This subject site is currently zoned for and will affect the following schools:

Schools Impacted	*Existing Impact	**Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Northeast Cluster	2	8			
Hamilton Elementary			725	761	105
Midway Elementary			385	404	105
Pine Crest Elementary			757	834	110
Millennium Middle	1	4	1720	2084	121
Seminole High	1	4	2069	2900	140

* Based on existing zoning

** Based on R-1A Zoning

The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in the school capacity numbers in the previous table. This analysis is included as an attachment to this report.

Public Safety:

The nearest response unit to the subject property is Station # 35, which is located at 4300 Hwy 17/92 South. The County Level-Of-Service standard for average response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan. This project is in compliance with the standard public safety response time.

Drainage:

The site is within the Lake Jesup Drainage Basin. Based on preliminary review, the site may be constrained downstream and therefore may be required to retain the pre-post volume difference for the 100 year/24 hour event. A detailed drainage analysis will be

required at final engineering, including determination of outfall and downstream conditions.

Parks, Recreation and Open Space:

The applicant is required to provide at a minimum 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

Because this is a proposed residential project adjacent to both residential and agricultural zoning and the LDR Future Land Use Designation, no exterior buffers are required. Since there are no existing sidewalks along Frances Avenue, sidewalks for this project may not be required.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020):

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses
Policy POT 4.5: Potable Water Connection
Policy SAN 4.4: Sanitary Sewer Connection
Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice to the Seminole County School Board was sent out on June 9, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends **DENIAL** of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

However, based on the Lot Size Compatibility Analysis and providing for a transition with the land to the south, the R-1AA (11,700 sq. ft. lot size) zoning may be more appropriate.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1A (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Frances Ave Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-1A (Single-Family Dwelling):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 22nd day of August 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

SEC 23 TWP 20S RGE 30E N 748.81 FT OF NE 1/4 OF NE 1/4 (LESS E 738.28 FT)



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

From: George Kosmac, Deputy Superintendent, Seminole County Public Schools

Date: July 05, 2006

RE: Z2006-33 Frances Avenue Rezone

Seminole County Public Schools (SCPS), in reviewing the above rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

Description: – 10 ± acres; Rezone from A-1 (Agriculture District) to R-1A (Single-Family Residential); located at the terminus of Frances Avenue, 1000 feet south of N. Ronald Reagan Blvd.

Based on information received from Seminole County Planning and from the staff report for the Brooks Lane rezone request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
40		40		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Northeast Cluster	10	1867	1999	107.1	162
Middle Millennium	5	1548	N/A	N/A	73
High Seminole	5	1996	2900	140.2	192

Projected Number of Additional Students is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed.

Current Capacity is based on the current enrollment FTE date not including relocatable stations.

Current Enrollment is based on the most recent official FTE count (February).

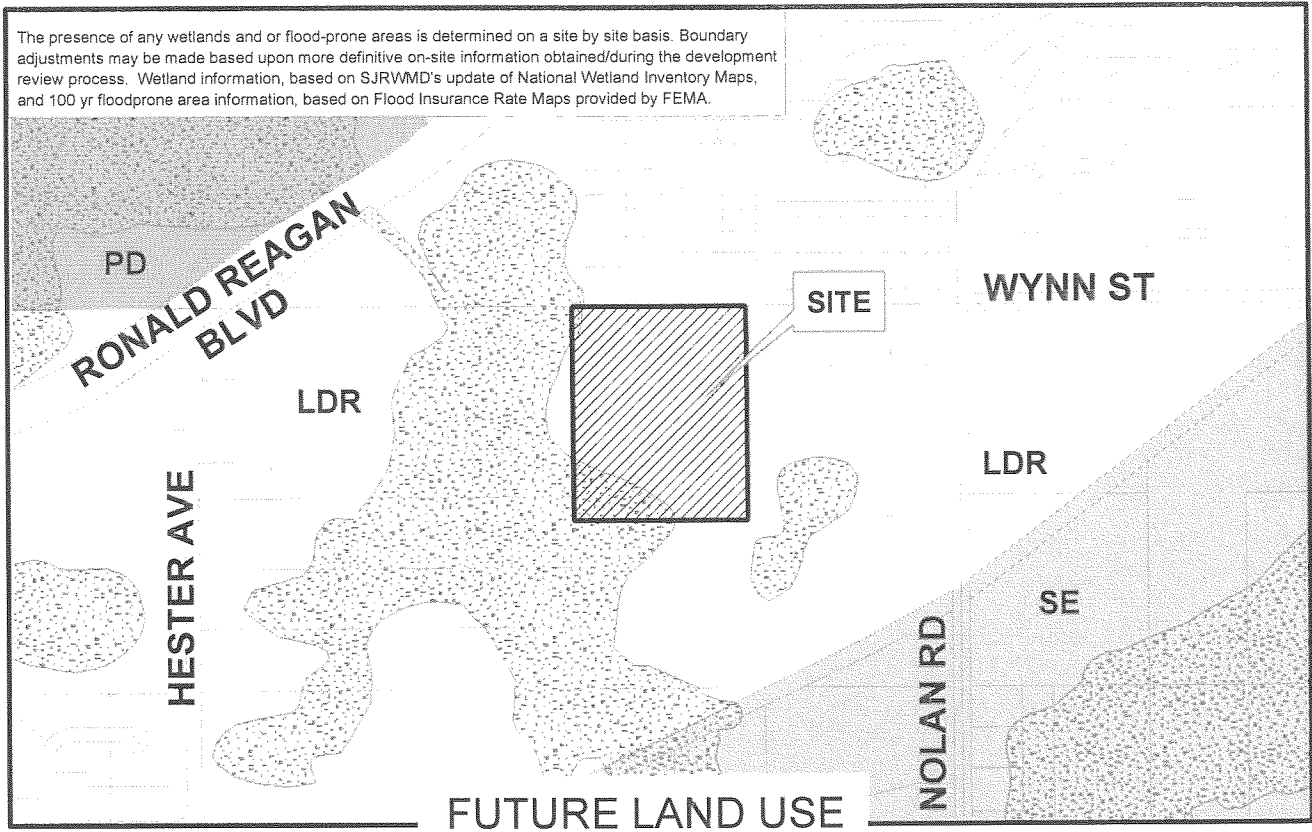
Percent Utilization is the ratio of enrollment to total permanent building student stations.

Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments:

The students generated from the new residential dwelling units could not be absorbed into the Elementary or High Schools without the increased use of relocatable student stations (portables), or a significant reduction in level of service at the affected campus. The addition of Markham Woods Middle School and the related rezoning of students from Millennium Middle School make an accurate calculation of attendance and utilization at Millennium problematic. It is however anticipated, that capacity at Millennium Middle will be sufficient to accommodate these new residential units. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected elementary or high schools.

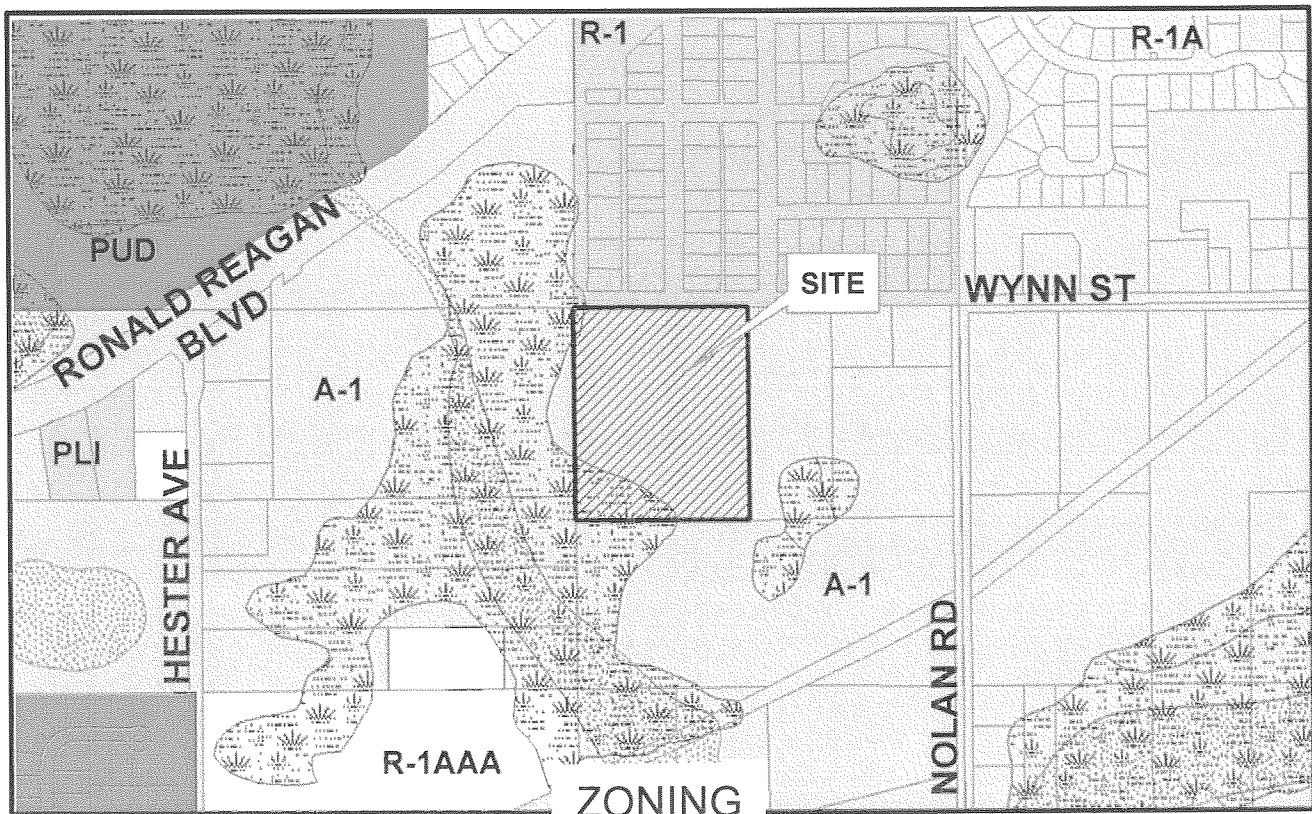
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Site
 Municipality
 LDR
 SE
 PD
 CONS

Applicant: Andrew Stanley
 Physical STR: 23-20-30-300-001F-0000
 Gross Acres: 10.22 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None


	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-033	A-1	R-1A



A-1
 R-1
 R-1AAA
 PLI
 PUD
 FP-1
 W-1



Rezone No: Z2006-033
From: A-1 To: R-1A

 Parcel

 Subject Property



Winter 2006 Color Aerials